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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,210	09/30/2003	Kang Soo Seo	1740-000059US	9596
30593	7590	01/28/2008		
HARNES, DICKEY & PIERCE, P.L.C.			EXAMINER	
P.O. BOX 8910			ZHAO, DAQUAN	
RESTON, VA 20195			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/673,210		SEO ET AL.	
	Examiner		Art Unit	
	Daquan Zhao		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/14/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/22/2007 have been fully considered but they are not persuasive.
2. Applicant argues, in page 7 of the remark, "a computer readable medium having a data structure for managing reproduction for graphic data" is functional descriptive material. However, there's no computer component presented to permit the functionality of the material to be recognized.
3. Applicant argues, in page 8 of the remark, Seo fails to teach "at least one transport packet in a graphic segment includes graphic information for managing reproduction of graphic images"
4. The TP header includes a PCR is considered to be the graphic information for managing reproduction of graphic images (see figure 4, figure 5, paragraph [0035]-[0036]).
5. Applicant argues, in page 9 of the remark, Kim fails to disclose "each transport packet has a same packet identifier (PID).
6. Kim et al teach in column 51-60 "duplication of packets", which has same PID. Therefore, Kim et al teach "each transport packet has a same packet identifier (PID)."

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-3, 5-6 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There's no support for "computer readable medium" in claims 1-3, 5-6.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 5-6 are rejected under 35 U.S.C. 101 because

For claims 1-3 and 5-6, considering the claim as "functional descriptive material" imparts with functionality, but not being employed as a computer component (or other physical structures), is considered not statutory. "In contrast, a claimed computer-readable medium encoded with a computer program... is thus statutory." (See *"Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility"*, ANNEX IV, Page 53, First Paragraph;).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1) and further in view of Kim et al (US 7,072,401 B2).

4. **Regarding claim 1**, Seo et al teach a recording medium having a data structure for managing reproduction of graphic data, comprising: a data area storing one or more graphic segments, each of which includes graphic data, multiplied with other data, and each graphic segment including a plurality of transport packets (e.g. paragraph [0028]-[0032] and figures 3 and 4, the HD pack in figure 4 is considered to be the graphic segments recited in claim 1, wherein the sub-picture, corresponding to the graphic data, is recorded on the disk either separated or multiplexed from/with the A/V data; a series of transport packets are contained in the HD pack); graphic information for managing reproduction of graphic images (the TP header includes a PCR is considered to be the graphic information for managing reproduction of graphic images (see figure 4, figure 5, paragraph [0035]-[0036])).

Seo et al fail to teach each transport packet in a graphic segment has a same packet identifier (PID). Kim et al teach each transport packet in a graphic segment has a same packet identifier (PID) (e.g. column 2, lines 51-59). It would have been obvious

for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim et al into the teaching of Seo et al to increase the ability of the system to correct error.

Claims 8 and 10 are rejected for the same reasons as discussed in claim 1 above.

Regarding claim 9, Seo et al teach an apparatus for reproducing a data structure for managing reproduction of graphic data from a recording medium, comprising: a driver for driving an optical reproducing device to reproduce data recorded on the recording medium (e.g. figure 5 and paragraph [0035], pickup 32); a controller for controlling the driver to reproduce one or more graphic segments from the recording medium (e.g. controller 37), each of which includes graphic data, multiplied with other data, and each graphic segment including a plurality of transport packets (e.g. see claim 1 above.).

Regarding claims 2, 3, 12, 13,15, 16, 18, 19, Seo et al teach other data includes movie data (e.g. A/V data in the HD-DVD 21, which is video data, see paragraph [0008]).

Regarding claim 5, Seo et al teach the transport packet is part of a graphics packet (see figure 4). Seo et al fail to teach the identifier. Kim et al teach each the packet identifier (PID) (e.g. column 2, lines 51-59). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of

Kim et al into the teaching of Seo et al to increase the ability of the system to correct error.

5. Claims 6, 14, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1) and Kim et al (US 7,072,401 B2), as applied to claims 1, 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, 18, 19 above, and further in view of Kato (US 2002/0,006,165 A1).

See the teaching of Seo et al and Kim et al above.

Regarding claims 6, 14, 17, 20, Seo et al and Kim et al fail to teach the transport packet includes a time stamp. Kato teaches the transport packet includes a time stamp (e.g. paragraph [0108]). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kato into the teaching of Seo et al and Kim to increase the ability of the system for continuous data recording.

6. Claims 11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1) and Kim et al (US 7,072,401 B2), as applied to claims 1, 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, 18, 19 above and further in view of Office Notice.

See the teaching of Seo et al and Kim above.

Regarding claim 11, Seo et al and Kim et al fail to specify an encoder for encoding at least multiple reproduction path video data. The examiner takes official for the encoder for encoding at least multiple reproduction path video data since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate an encoder for encoding at least multiple reproduction path video data into the system disclosed by Seo et al and Kim et al to reduce the data rate and increase the storage efficiency.

For claims 21 and 22, Seo et al teach other data includes movie data (e.g. AV data in the HD-DVD 21, which is video data, see paragraph [0008]).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1), Kim et al (US 7,072,401 B2) and Official Notice, as applied to claims 1, 2, 3, 5, 8, 9, 10, 12, 13, 15, 16, 18, 19, 11, 21 and 22 above, and further in view of Kato (US 2002/0,006,165 A1).

See the teaching of Seo et al, Kim et al and Official Notice above.

Regarding claim 23, Seo et al and Kim et al fail to teach the transport packet includes a time stamp. Kato teaches the transport packet includes a time stamp (e.g. paragraph [0108]). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kato into the teaching of Seo et al and Kim to increase the ability of the system for continuous data recording.

Art Unit: 2621

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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